



EXPEDITED PROCEDURE
AFTER FINAL REJECTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Andrew L. Pearlman
SERIAL NO. : 10/696,287
FILED : 29 OCTOBER 2003
FOR : TISSUE CHARACTERIZATION BASED ON IMPEDANCE
IMAGES AND ON IMPEDANCE MEASUREMENTS
EXAMINER : George C. Manuel ART UNIT: 3762
CUSTOMER NO.: 27162 ATTORNEY DOCKET NO. 701030-16

PETITION UNDER 37 CFR 1.181

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is a petition seeking the supervisory authority of the Commissioner seeking to overturn the decision of the special program group responsible for approving Terminal Disclaimers. A Terminal Disclaimer was filed in response to a final Office Action dated March 31, 2006 having a response due date set to expire on June 30, 2006. The Terminal Disclaimer was refused entering into the file on the basis the undersigned is not the attorney of record according to the power of attorney on file.

The Action states that the undersigned is not the attorney of record. The undersigned signed the Terminal Disclaimer filed Feb. 2, 2006. The Terminal Disclaimer is disapproved on the basis the undersigned is not the attorney of record and a new Terminal Disclaimer is requested. In response applicant enclosed a copy of the Revocation and Appointment of Power of Attorney filed in parent application S/N 08/725,927 now US Pat. No. 5,810,742, copy enclosed herewith.

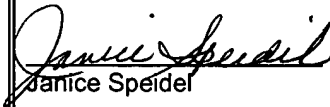
The current above-noted instant application is a division of continuation application No. 09/995,217, which is a continuation of application No. 09/928,678, which is a continuation of application No. 09/537,004, which is a continuation of application No. 09/150,224, which is a continuation of application No. 08/725,927 for which the power to the prior attorneys of record in the oath was revoked by the assignee and the undersigned appointed. Therefore, there is a continuing chain of title to the instant above-entitled application to the original parent application in which the undersigned is appointed attorney of record. However, as is done with continuations, the oath is also pertinent part of each file. However, that prior Revocation and Appointment of Attorney revoked such prior appointments for all continuation and divisional applications thereof.

The disapproval of the undersigned as attorney of record should be withdrawn as the enclosed Power of Attorney is effective for all continuation applications. The original Declaration and Power of Attorney carries through without a new such Declaration in continuing and divisional applications. See 37 CFR 1.63d)(1). Under this Rule, no new Power of Attorney is required.

However, under 37 CFR 1.63d(4), all that is required is that the Office be apprised of the change in Power of Attorney. This was done by applicant in his last response enclosing a copy of that prior Power of Attorney which revoked the powers in the oath. This was refused by the Special Program group stating that the transmittal letter for the present application supercedes such a Power of Attorney. This exalts form over substance. The undersigned is attorney of record according to the the enclosed copy of the Revocation and Appointment of Power of Attorney. This paper is sufficient to show that the undersigned is attorney of record and the Terminal Disclaimer filed Feb. 2, 2006 should be entered as the undersigned was continuously of record since the filing of that Power of Attorney and Revocation of Attorney. For these reasons applicant seeks the supervisory authority of the Commissioner to overturn this decision which is counter to Rule 1.63d(4) spirit and intent. Also the application will still have the final rejection outstanding which can be costly to applicant in case of extension of time periods being entered into. To require a further Power of Attorney is not reasonable in view of the fact that a viable and active Power of Attorney is of record in this file. The

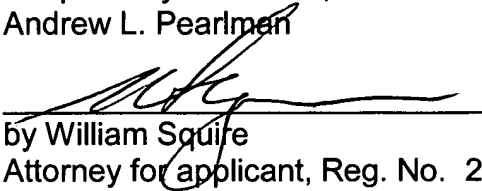
Special Program Examiner should be reversed, the Terminal Disclaimer entered and this application passed to allowance.

While no fee is believed due for this paper, the Commissioner is authorized to charge or credit deposit account 03 0678 for any under or overpayment in connection with this paper.

<u>EXPRESS MAIL CERTIFICATE</u>	
Express Mail Label No. EV405481282 US	
Deposit Date: June 21, 2006	
I hereby certify that this paper and the attachments hereto are being deposited with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	
 Janice Speidel	<u>June 21, 2006</u> Date

292233v1

Respectfully submitted,
Andrew L. Pearlman


by William Squire
Attorney for applicant, Reg. No. 25378

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Andrew L. Pearlman

Serial No. : 08/725,927

Filed : October 4, 1996

For : Tissue Characterization Based on Impedance Images and on
Impedance Instruments

Attorney Docket No. : 701030-3



Assistant Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

Dear Sir:

I hereby revoke all prior Powers of Attorney and appoint the following as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651), John G. Gilfillan, III (Reg. No. 22,746), Elliot M. Olstein (Reg. No. 24,025), Charles J. Herron (Reg. No. 28,019), Raymond J. Lillie (Reg. No. 31,778), J.G. Mullins (Reg. No. 33,073), Raina Semionow (Reg. No. 39,022), William Squire (Reg. No. 25,378) and Glennon G. Troublefield (39,050). Address all telephone calls to: William Squire, Esq. at Telephone No. (973) 994-1700. Address all correspondence to: William Squire, Esq., Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068-1739.

Respectfully submitted,
Transscan Research and Development Co. Ltd.

 APRIL 22, 1999
Andrew Pearlman
Chief Scientist and Vice President Technology